

EXHIBIT

15

Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF MISSOURI
 3 CENTRAL DIVISION
 4 KAREN BACKUES KEIL,
 5 Plaintiff, Case No.
 6 vs. 5:18-CV-06074-BP
 7 MHM SERVICES, INC., a
 8 Virginia Corporation
 9 JOHN DUNN, and EDWARD
 10 BEARDEN
 11 Defendants.
 12
 13 VIDEO-RECORDED DEPOSITION OF EDWARD BEARDEN
 14 TAKEN ON BEHALF OF THE PLAINTIFF
 15 NOVEMBER 15, 2018
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Page 3

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 2 FOR THE WESTERN DISTRICT OF MISSOURI
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 5 Plaintiff, Case No.
 6 vs. 5:18-CV-06074-BP
 7 MHM SERVICES, INC., a
 8 Virginia Corporation
 9 JOHN DUNN, and EDWARD
 10 BEARDEN
 11 Defendants.
 12 VIDEO-RECORDED DEPOSITION OF EDWARD
 13 BEARDEN, produced, sworn and examined on November 15,
 14 2018, between the hours of 9:48 a.m. and 3:24 p.m. of
 15 that day, at the State of Missouri Attorney General's
 16 Office, Fletcher Daniels State Office Building, 615
 17 E. 13th Street, Suite 401, Kansas City, Missouri
 18 64106 before Angela R. Corkill, a Certified Court
 19 Reporter (MO), Certified Shorthand Reporter (KS),
 20 within and for the State of Missouri, in a certain
 21 case now pending in the United States District Court
 22 for the Western District of Missouri, Central
 23 Division, between KAREN BACKUES KEIL, Plaintiff, vs.
 24 MHM SERVICES, INC., a Virginia Corporation; JOHN DUNN,
 25 and EDWARD BEARDEN Defendants; on behalf of the Plaintiff.

Page 2

1 INDEX
 2 WITNESS: PAGE:
 3 EDWARD BEARDEN
 4 Examination by Ms. McGraugh 7
 5
 6
 7 EXHIBITS
 8 (None.)
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 10
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Page 4

1 APPEARANCES
 2
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1 (Pages 1 to 4)

1 **A.** No, ma'am. I wasn't aware that there
 2 are any fees. The way I understand it, it's the
 3 state that's being sued. The reason why I'm here is
 4 because my name was mentioned.
 5 **Q.** So you don't think that there could be
 6 any financial problems or financial judgment against
 7 you?
 8 **A.** I hope not.
 9 **Q.** Okay. Do you have a union
 10 representative?
 11 **A.** No, ma'am, not that I'm aware of.
 12 **Q.** Okay. No one from Department of
 13 Corrections has reached out to you to discuss this
 14 with you?
 15 **A.** No, ma'am.
 16 **Q.** So tell me what happens after you have
 17 the second PREA meeting and what happens afterwards.
 18 Because you separated from Department of Corrections;
 19 right?
 20 **A.** I retired August 31st.
 21 **Q.** When did you make the determination
 22 that you'd retire August 31st?
 23 **A.** That was when my date on -- I turned
 24 62 in July.
 25 **Q.** So when this was going on, it was also

1 **A.** Retirement pay.
 2 **Q.** Is that different between a pension
 3 and retirement pay?
 4 **A.** Well, I don't know. I'm not aware.
 5 I'm not sure. Pension would be retirement pay to me
 6 in the definition.
 7 **Q.** How long did you work for Department
 8 of Corrections?
 9 **A.** Nine years.
 10 **Q.** And when I say -- use the term when
 11 does your pension vest, do you understand what I'm
 12 asking?
 13 **A.** You're vested after five years.
 14 **Q.** After five years, okay. At what
 15 percentage of pay, please?
 16 **A.** On the dollar amount?
 17 **Q.** Well, what -- so you get a pension
 18 after five years. What are the terms of your
 19 pension?
 20 **A.** That is all in a scale. I don't know
 21 what that would be.
 22 **Q.** Does your pension increase if you
 23 retire when you're older?
 24 **A.** As -- if you stay longer --
 25 **Q.** Right.

1 your birthday; right?
 2 **A.** Yes, ma'am.
 3 **Q.** Okay. So how does that happen? You
 4 give notice?
 5 **A.** Sure. Yes, ma'am.
 6 **Q.** When did you give your notice of
 7 retirement?
 8 **A.** Probably in May or April.
 9 **Q.** Is that -- you do that -- is that a
 10 paper notice?
 11 **A.** Yes, ma'am.
 12 **Q.** Tell me how you have to give that
 13 notice.
 14 **A.** You have to go to MOSERS to make sure
 15 that everything is, you know, correct, and I guess
 16 they -- they actually -- after you fill out all the
 17 paperwork, they send a copy to the prison.
 18 **Q.** And you're saying you filled out that
 19 paperwork in May?
 20 **A.** May or June.
 21 **Q.** Okay. When did the paperwork arrive
 22 at the Department of Corrections?
 23 **A.** I don't know. I'm not sure.
 24 **Q.** Are you on full pension? Do you get a
 25 pension?

1 **A.** -- It will, yes.
 2 **Q.** I was a public defender for eight
 3 years, so I have a little bit --
 4 **A.** Right, right.
 5 **Q.** -- of an idea about MOSER. All right.
 6 So you retired after nine years. Your pension had
 7 vested at five years. If you had stayed ten years,
 8 would you have gotten a larger pension?
 9 **A.** I'm sure. I'm sure. With my wife's
 10 illness I chose to go ahead -- after we found out for
 11 sure that my wife was ill.
 12 **Q.** When was your ten -- when would your
 13 ten-year date have been?
 14 **A.** November.
 15 **Q.** November 2018?
 16 **A.** Mm-hmm.
 17 **Q.** So if you had resigned this November,
 18 you would have gotten a larger pension than resigning
 19 in July?
 20 **A.** Just a few dollars. Wouldn't have
 21 been that much difference.
 22 **Q.** Are you certain?
 23 **A.** That's what I was told, yes, ma'am.
 24 **Q.** Who did you consult?
 25 **A.** MOSERS.

Page 185

1 correct?
 2 **A. That's true. That's true.**
 3 Q. Did you ever have occasion to take
 4 Karen to the -- to Ad Seg?
 5 **A. No.**
 6 Q. Transport her anywhere?
 7 **A. No, no.**
 8 Q. Okay. Take her --
 9 **A. Excuse me.**
 10 Q. Please, sir.
 11 **A. That goes back to if you're not in**
 12 **trouble, you're not going to Ad Seg, you know. I'm**
 13 **not -- no, I've never escorted her anywhere.**
 14 Q. And you recall specifically that you
 15 have not escorted her anywhere; correct?
 16 **A. I don't remember escorting her**
 17 **anywhere. To my knowledge she's never been in**
 18 **trouble. There's hundreds of other COs. Maybe --**
 19 **maybe one of them did, you know, but, no, I have not.**
 20 Q. Okay. And you -- you know to a
 21 certainty because you're testifying about it that you
 22 have not; correct?
 23 **A. Exactly. That I have not. I don't**
 24 **know about anybody else. I can't speak for them, but**
 25 **I have not.**

Page 186

1 Q. Okay. And that's over what, nine,
 2 nine years you were there?
 3 **A. Yes.**
 4 Q. Okay. And you can recall that you
 5 never took her anywhere; correct?
 6 **A. Correct.**
 7 Q. And you can recall that you never had
 8 any bad interactions with her; correct?
 9 **A. Correct.**
 10 Q. And you can recall she's never had any
 11 violations; correct?
 12 **A. Not to my knowledge. I'm not her**
 13 **caseworker, so I wouldn't have that information.**
 14 Q. Right.
 15 **A. Okay.**
 16 Q. Well, you had said that to me and
 17 that's --
 18 **A. Right.**
 19 Q. -- what I was following up on.
 20 **A. Okay.**
 21 Q. Yeah. So you were an employee of the
 22 Department of Corrections from 2011; correct?
 23 **A. 2008.**
 24 Q. Thank you, sir. Were you always at
 25 Chillicothe?

Page 187

1 **A. Yes, ma'am.**
 2 Q. Did you -- did you choose to apply to
 3 Chillicothe or was that where you were assigned?
 4 **A. No. I chose Chillicothe.**
 5 Q. Why did --
 6 **A. Because I lived here in Chillicothe.**
 7 Q. Yeah, okay.
 8 **A. Excuse me.**
 9 Q. Did you have any qualms about working
 10 in a women's prison?
 11 **A. No, no.**
 12 Q. Are there any other prisons near
 13 Chillicothe where you could seek employment?
 14 **A. I could have at Cameron, I suppose,**
 15 **but I chose not to. The drive, you know, an hour and**
 16 **a half or whatever daily. I have worked in Moberly**
 17 **just -- we took an offender on dialysis, two**
 18 **officers. The female would stay with the offender in**
 19 **the dialysis and the male would go work out, so I**
 20 **have done that before.**
 21 Q. Yeah. So your contact, all contact
 22 you had with the women at Chillicothe was through
 23 your employment at the Missouri Department of
 24 Corrections?
 25 **A. Yes, ma'am.**

Page 188

1 Q. Okay. And your contact with Karen
 2 Keil, Backues Keil, was through your employment with
 3 Department of Corrections --
 4 **A. Yes, ma'am.**
 5 Q. -- is that correct?
 6 MR. TAULBEE: Let her finish.
 7 THE WITNESS: Pardon?
 8 MR. TAULBEE: Let her finish before
 9 you start answering.
 10 THE WITNESS: Oh, I'm sorry.
 11 Q. (By Ms. McGaugh) Your contact with
 12 Karen Backues Keil and other incarcerated women was
 13 for the purpose of fulfilling your job
 14 responsibilities with Department of Corrections;
 15 correct?
 16 **A. Yes, ma'am.**
 17 Q. Okay. You were not acting in any
 18 other capacity when you interacted with the women at
 19 the Department of Corrections; is that right?
 20 **A. Professional?**
 21 Q. Yes.
 22 **A. Yes, ma'am.**
 23 Q. Okay. Who was your direct supervisor
 24 at Department of Corrections when you were in
 25 utility?

47 (Pages 185 to 188)